



# Department of Justice

United States Attorney Richard S. Hartunian

Northern District of New York

---

FOR IMMEDIATE RELEASE

April 25, 2012

PHONE: (315) 448-0672

WWW.USDOJ.GOV/USAO/NYN

Richard S. Hartunian, United States Attorney for the Northern District of New York, announced today the arrest of Martin S. Kimber, 59, of Ruby, New York. Kimber is charged with the illegal disposal of a hazardous waste in a manner posing a danger of death or serious bodily injury to others (also referred to as “knowing endangerment”), and with the illegal storage and disposal of hazardous waste without a permit. The complaint alleges that on March 2, 2012 Kimber was observed on hospital video surveillance cameras placing a substance on items throughout the Albany Medical Center cafeteria-- where mercury was subsequently found -- including on food consumed by at least one patron, and on heating elements where the mercury could vaporize and be inhaled. The person who ate the contaminated food was subsequently treated in the hospital’s emergency room.

The complaint alleges that a search warrant executed at Kimber’s house and automobile resulted in the seizure of two jars of mercury. The complaint further alleges that approximately 21 guns were removed from Kimber’s residence. Literature reflecting sympathy for domestic terrorism (*The Turner Diaries*) was observed during the search,

which states on the cover page, “THIS BOOK CONTAINS RACIST PROPAGANDA” and “THE FBI SAID IT WAS THE BLUEPRINT FOR THE OKLAHOMA CITY BOMBING.” Searching officers further observed a Nazi swastika on a wall of Kimber’s home. Finally, the complaint alleges that mercury was previously deposited in numerous locations throughout the Albany Medical Center by then-unknown persons on March 28, 2011, April 11, 2011 and June 23, 2011.

The knowing endangerment charge contains a maximum possible term of incarceration of fifteen years, and a fine of \$250,000, or twice the gross loss to any victim. The storage and disposal of hazardous waste without a permit charge contains a maximum possible penalty of 5 years in jail, and a fine of \$250,000, or twice the gross loss to any victim.

Mercury is a known hazardous substance that has been very well studied. Among other things, mercury is a human neurotoxin that kills nerve cells, can result in brain and lung damage, respiratory failure, ataxia, speech impairment, constriction of the visual field, hearing loss and somatosensory change. Mercury is readily absorbed through unbroken skin, and by intestinal absorption after ingestion. It accumulates in the body and can cause damage to internal organs including kidneys.

The allegations in the criminal complaint are mere accusations and all persons are presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law.

This case is being investigated by Special Agents of the Environmental Protection Agency, Food & Drug Administration-Office of Criminal Investigations, and Federal Bureau of Investigation. Assistance has been provided by the Towns of Albany and Ulster Police Departments. The case is being prosecuted by Assistant United States Attorneys Richard Bellis and Craig Benedict. Questions may be directed to AUSA Benedict at 315-448-0672.